

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

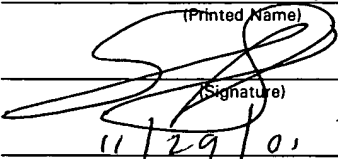
Applicant: RONALD M. EVANS et al.  
Title: METHODS FOR MODULATING  
EXPRESSION OF EXOGENOUS  
GENES IN MAMMALIAN  
SYSTEMS, AND PRODUCTS  
RELATED THERETO

Appl. No.: 09/042,488

Filing Date: 03/16/1998

Examiner: Kaushal

Art Unit: 1633

<b>CERTIFICATE OF EXPRESS MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: 1911 S. Clark St., 7 <sup>th</sup> Fl. Reception, Arlington, VA 22202  <u>Suzanne L. Simpson</u> (Printed Name)   (Signature)  <u>11/29/01</u> (Date of Deposit)  829724870289 Mail Label Number
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**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

Commissioner for Patents  
Box: Sequence Listing  
Washington, D.C. 20231

Sir:

In connection with the Sequence Listing submitted concurrently herewith,  
the undersigned hereby states that:

1. the content of the attached paper copy and the enclosed  
computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R.  
§ 1.821(c) and (e), respectively, are the same; and
2. the submission, filed herewith in accordance with 37 C.F.R.

Section 1.821(g), does not include new matter. In connection with the  
Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the content of the attached paper copy and the enclosed  
computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R.

§ 1.821(c) and (e), respectively, are the same;

2. the submission, filed herewith in accordance with 37 C.F.R.

§ 1.821(g), does not include new matter; and

3. all statements made herein to my knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

**REMARKS**

In connection with the above-captioned patent application, please enter the following Sequence Listing in response to the Notice to Comply mailed October 1, 2001.

A paper copy and CRF of the replacement sequence listing is enclosed. The subject application is not being amended by this submission. Thus, no new matter is being added to the instant application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Atty. Dkt. No. Salk1520-2 (088802-8752)

Respectfully submitted,

Date 11/29/01

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6721  
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By 

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO. 09042488	FILING DATE 03/16/98	FIRST NAMED INVENTOR. EVANS	ATTORNEY DOCKET NO. SALK1520-2
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EXAMINER

KAUSHAL

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

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DEC - 3 AM 9:35

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Sumesh Kaushal whose telephone number is 703-305-6838.

SUMESH KAUSHAL  
PATENT EXAMINER

*Notice to Comply*

Application No.  
09042488

Applicant(s)  
EVANS

Examiner

Art Unit

KAUSHAL

1633

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**